

REMARKS

Claims 15-45 are currently pending in the application. Claims 15, 24-26, 34-36, and 44-45 are currently amended to clarify the claimed invention as embodied in these claims, without acquiescence in the cited basis for rejections or prejudice to pursue the original claims in a related application. No new matter has been added.

I. Rejections of the Claims under 35 USC § 103(a)

Claims 15-24, 26-34, and 36-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,289,335 B1 issued to Downing et al. (hereinafter Downing) in view of Lindsay et al. (1986) (hereinafter Lindsay.) Applicants respectfully traverse.

Claim 15 recites at least the following limitations. Claims 26 and 36 also recite similar limitations.

establishing a **view of** at least one of said **database recovery logs**;
issuing a database statement to **query said view**;
retrieving data from at least one of said database recovery logs in response to said database statement; and
(emphasis added.)

A. According to the Office action, Downing's "query 4a" and its associated text in col. 12, ll. 15-38 disclose the claimed limitation of "issuing a database statement to query said view" of claims 15, 26, and 36. Applicants respectfully disagree.

(a) Claim 15 explicitly recites "issuing a database statement to **query said view**" which is "**a view of at least one of said database recovery logs**." That is, claim 15 recites a database statement to query a view of at least one of the database recovery logs rather than against the at least one of the database recovery logs itself.

In contrast, Downing's query 4a contains the following statement of "select distinct OID from mlog\$_order". That is, Downing's query 4a queries against "mlog\$_order". Nonetheless, Downing expressly discloses that "**mlog\$ order stands for the order log**." Col. 12, l. 32 (emphasis added.) That is, to the extent that the Office action considers that

Downing's order line logs as disclosing the claimed limitations of "database recovery logs", which Applicants strenuously disagree, Downing's "query 4a" queries against the order line log "mlog\$_order" rather than against a view of the recovery log. In other words, Downing merely discloses that query 4a queries against the order_line_log "mlog\$_order" but never even remotely suggests the limitation of "issuing a database statement to query said view" (emphasis added.) Therefore, Applicants respectfully submit that Downing does not disclose, teach, or suggest at least the claimed limitation of "issuing a database statement to query said view" of claims 15, 26, and 36.

(b) Because Downing fails to disclose, teach, or suggest the limitation of "issuing a database statement to query said view", Downing similarly fails to disclose, teach, or suggest other limitations which comprise the limitation of "the database statement". More specifically, since Downing's "query 4a" queries against the order line log rather than a view of a database recovery log, Downing retrieves data from the order line log "mlog\$_order" in response to the query 4a and thus fails to disclose the limitation of "retrieving data . . . in response to said database statement" of claims 15, 26, and 36.

Because the Office action does not rely on Lindsay in supporting the basis for rejection of the aforementioned limitations, Downing and Lindsay, either alone or combined, do not disclose, teach, or suggest at the aforementioned limitations and thus may not be used to preclude the patentability of claims 15, 26, 36, and their respective dependent claims under 35 U.S.C. § 103(a) for at least the foregoing reasons.

B. Claim 15 also recites the following limitations. Claims 26 and 36 recite similar limitations.

selecting at least one of said database recovery logs to access, in which the at least one of the database recovery logs contains information for restoring the database to a specific state;
establishing a view of the at least one of said database recovery logs;
(emphasis added.)

According to the Office action, Downing's "order line log" as disclosed in col. 7, l. 13 and Figs. 5(a)-(c) disclose the above claimed limitations. Applicants respectfully disagree.

Applicants respectfully submit that claim 15 explicitly recites **three distinct claimed limitations** of “a database”, “database recovery logs of a database” and “a view of the . . . database recovery logs”.

In contrast, the Office action cites to Figs. 5(a)-(c) to support the rejections of these two claimed limitations of “database recovery logs of a database” and “a view of the at least one of the database recovery logs”. Figs. 5(a)-(c) illustrate the “Order table 500” and the corresponding “order log 502” both of which undergo “a series of modifications a user might make . . .” Col. 7, ll. 46-48 and l. 52. It is also noted that the three order log 502 in Figs. 5(a)-(c) merely represent **the same order log 502** as the series of modifications is implemented to the Order table 500.

It is clearly seen from Figs. 5(a)-(c) that the Order table does not even remotely suggest the limitation of “database recovery logs of the database”. Even though the Office action appears to suggest that Downing’s order log 502 as disclosing the limitation of “the database recovery logs”, Applicants respectfully submit that **a single order log 502** in Figs. 5(a)-(c) **cannot disclose or even remotely suggest the two distinct limitations** of “database recovery logs” and “a view of the at least one of said database recovery logs”.

As such, Applicants respectfully submit that Downing does not disclose, teach, or suggest at least one of the limitations of “database recovery logs” and “a view of the at least one of said database recovery logs” of claims 15, 26, and 36.

C. Claim 15 also recites the following limitations. Claims 26 and 36 recite similar limitations.

insulating said view from a format of the at least one of said database recovery logs;

(emphasis added.)

The Office action similarly cites to Figs. 5(a)-(c) of Downing and purports that the cited figures disclose the above claimed limitations. Applicants respectfully disagree.

(a) Applicants first respectfully submit that, as presented immediately above in subsection (B), because Downing’s Figs. 5(a)-(c) merely discloses an order log 502 which cannot simultaneously disclose or suggest two distinct limitations of “database recovery logs”

and “a view of the at least one of said database recovery logs”, Downing does not disclose, teach, or suggest the above limitation of “insulating said view from a format of the at least one of said database recovery logs”.

(b) Even though Figs. 5(a)-(c) do not disclose the limitations of “database recovery logs” and “a view”, Applicants respectfully submit that Figs. 5(a)-(c) do not even remotely suggest that there is such “insulating . . . from a format”

To the extent that the Office action were to consider the order table 500 and the order 502 in Figs. 5(a)-(c) as respectively disclosing the limitation of “database recovery logs” and “a view”, it can be seen that the format of the order table 500 and the order log 502 are closely tied together.

For example, Downing discloses that “CHG\$\$ is a bit vector that indicates which column in particular has a new or changed value”, col. 7, ll. 27-29, and that “CHG\$\$ has a zero in the first position of the bit vector to indicate that the OID column was unchanged and a one in the next position to indicate that the CID column was changed.” Col. 7, ll. 61-64. That is, the CHG\$\$ bit vector in the order log 502 stores, in a bit, a zero where there is no change in the corresponding column and a “one” where there is a change in the corresponding column. In other words, in Fig. 5(a), the CHG\$\$ bit vector stores the value of “01. . .” which indicates that there is no change in the first column (and hence a value of “0” in the first bit), and that there is a change in the second column (and hence a value of “1” in the second bit.)

Therefore, it can be clearly seen that the format of the order log not only is not insulating from but is in fact closely tied with the format of the order table 500. For example, should the OID and CID columns of the order table 500 exchanges the column orders, the CHG\$\$ field of item 512 will change from “01. . .” to “10. . .”.

As such, Applicants respectfully submit that Downing does not disclose, teach, or suggest at least the claimed limitations of “insulating said view from a format of the at least one of said database recovery logs” of claims 15, 26, and 36. Because the Office action does not rely on Lindsay in supporting the basis for rejection of this claimed limitation, Downing and Lindsay, either alone or combined, do not disclose, teach, or suggest at least the above

limitations and thus may not be used to preclude the patentability of claims 15, 26, 36, and their respective dependent claims under 35 U.S.C. § 103(a) for at least the foregoing reasons.

II. Rejections of the Claims under 35 USC § 103

Claims 25, 35, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,335 B1 issued to Downing et al. (hereinafter Downing.) Applicants respectfully traverse.

Claim 25 recites the limitation of “wherein the format of said virtual table remains unchanged without modifying a query statement corresponding to the virtual table when the format of said recovery logs changes.” Claims 35 and 45 also recite similar limitations.

A. Applicants respectfully submit that because Downing does not disclose all the claimed limitations of claims 1, 26, and 36 from which claims 25, 35, and 45 depend, Downing may not be used to preclude the patentability of claims 25, 35, and 45 under 35 U.S.C. § 103(a) for at least the foregoing reasons as presented above in subsection I.

B. Applicants further respectfully submit that Downing and Lindsay do not disclose the claimed limitation of claims 25, 35, and 45.

The Office action appears to consider Downing’s “virtual table” as disclosing the limitation of “the view”. See item #24, p. 6, September 24, 2008 Office action. Applicants first respectfully submit that Downing does not disclose “virtual tables”.

To the extent that the Office action considers the table generated as a result of querying against the ORDER_LINE_LOG, the Office action concedes that “the format of the respective virtual table is defined by the query definitions which result the format being different from that of the ORDER_LINE_LOG”, p. 6, September 24 2008 Office action. Therefore, Applicants respectfully submit that Downing not only fails to disclose but in fact teaches away the aforementioned claimed limitations because if the format of the virtual table is defined by the query, the query must change accordingly when the format of the order_line_log changes as a result of one or more changes to the recovery logs. Therefore, Downing not only fails to disclose but in fact teaches away from at least the limitation of “a

format of the view remains unchanged without modifying a query statement . . . when the format of the at least one of said recovery logs changes” of claims 25, 35, and 45.

Because the Office action does not rely on Lindsay to support the basis for rejection of claims 25, 35, and 45, Applicants respectfully submit that Downing and Lindsay, either alone or combined, may not be used to preclude the patentability of claims 25, 35, and 45, and that Downing may not be combined with other references to support rejections under 35 U.S.C. § 103(a) because Downing teaches away from the claimed limitations of claims 25, 35, and 45.

CONCLUSION

Based on the foregoing, all claims are believed allowable, and an allowance of the claims is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Applicant(s) hereby explicitly retracts and rescinds any and all of the arguments and disclaimers presented to distinguish the prior art of record during the prosecution of all parent and related application(s)/patent(s), and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **7011443001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **7011443001**.

Respectfully submitted,

Date: December 24, 2008

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